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Miranda

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

Mireyda Rebecca Miranda,

Plaintiff,

v.

Steven Selinsky, an individual; David
Galan, an individual; Stacey Galan, an
individual; Angel Anderson, an
individual; Collette Ithaca, an
individual; Luxinvia, Inc. dba Monster
Marketing, a California corporation;
Fons Diviciarum LLC dba Monster
Marketing, Google Ascent, and Top Pro
SEO, a California Limited Liability
Company; and Does 1-10,

Defendants.

Case No. 8:22-cv-869

**Complaint for Damages and
Injunctive Relief for:**

- (1) Violation of 18 USC § 2511;
- (2) Violation of 18 USC § 1030;
- (3) Violation of California Penal
Code § 502
- (4) Abuse of Process;
- (5) Intentional Infliction of
Emotional Distress; and
- (6) Defamation;

JURY TRIAL DEMANDED

1 Plaintiff Mireyda Rebecca Miranda (“Plaintiff” or “Ms. Miranda”), by and
2 through her counsel, hereby alleges as follows:

3 4 **I. INTRODUCTION**

5
6 1. This case arises out of a former employer’s (Defendant Monster
7 Marketing), its owners’ (Defendants Mr. Selinsky, Mr. Galan, and Mrs. Glans), and
8 their/or Monster Marketing’s employee and agent Defendants Angel Anderson
9 (collectively referred to as the “Monster Marketing Defendants”) malicious and
10 abusive attempts to ruin the life of a young former employee of Monster Marketing,
11 Plaintiff Ms. Miranda. Defendants have engaged in a no-holds-barred campaign to
12 put Ms. Miranda in jail for no other reason than they were worried she might sue
13 them for wrongful termination and would stop at nothing to break her to the point
14 where she was incapable of doing so. Or maybe it was more simple than that.
15 Maybe they didn’t like Ms. Miranda because she is of Mexican heritage. Maybe the
16 woman in the office were jealous of her. Regardless of the reason, Defendants have
17 acting toward Ms. Miranda with true malice and vitriol.

18
19 2. Defendants Steven Selinsky, David Galan, and Stacey Galan are the
20 owners of Defendant Monster Marketing. Plaintiff Mireyda Rebecca Miranda was a
21 former employee of Defendant Monster Marketing. Defendant Angel Anderson
22 currently works for Defendants Steven Selinsky, David Galan, Stacey Galan, and
23 Defendant Monster Marketing. They are a Team.

24
25 3. Defendant Monster Marketing had a custom of practice of hiring
26 employees straight out of alcohol and drug-addiction rehabilitation centers and
27 sober-living houses. Upon information and belief, Defendants Steven Selinsky,
28 David Galan, Stacey Galan, and Defendant Monster Marketing hired employees

1 straight out of these highly vulnerable situations because they knew that people in
2 such situations would be less likely to stand up for their rights and could be more
3 easily taken advantage of. Defendants Steven Selinsky, David Galan, Stacey Galan,
4 and Defendant Monster Marketing are predators in the truest sense.

5
6 4. And when one employee—Ms. Miranda—did stand up for herself, they
7 did everything they could to put her in her place, by seeking temporary Civil
8 Harassment Restraining Orders (“CHROs”) against Ms. Miranda without probable
9 cause and with actual malice, and followed on these wrongful acts by seizing on
10 alleged violations of the CHROs in attempts to trigger violations of Ms. Miranda’s
11 probation and send her to jail for a very long time.

12
13 5. On or about February 2, 2022, Ms. Miranda was terminated without
14 notice and without being given a reason for her termination. After resting with the
15 information for several days, Ms. Miranda asked the reason for her termination—
16 especially as one of Monster Marketing co-owners, Stacey Galan, open talked about
17 “hating Mexicans,” and Ms. Miranda is of Mexican descent. At that time, numerous
18 Monster Marketing Defendants and Defendant Collette Ithaca embarked on a
19 campaign—even going so far as to call Ms. Miranda on February 25, 2022, around
20 4:15 a.m., while Ms. Miranda was in crisis, to falsely accuse Ms. Miranda of
21 “murdering” a former coworker, Anthony Stiehl, after he allegedly overdosed and
22 died. But Ms. Miranda had not seen Mr. Stiehl since her termination. And Mr.
23 Stiehl is alive and well to this day.

24
25 6. What kind of people would do such a thing to a person in crisis?
26 People with true malice and ill will in their hearts. People who are willing to break
27 Federal wiretapping (the stealing of electronic information) law and Federal and
28 California computer fraud and abuse laws.

7. After Ms. Miranda was terminated, she asked if she had been terminated for discriminatory reasons. All she was asking for was an explanation and an apology. But this got the Monster-Marketing Defendants' attention. In a full-court-press to dissuade Ms. Miranda from pursuing a claim, Defendants engaged in a malicious and abusive course of conduct, with the specific aim of getting Ms. Miranda put in jail and ruining this young woman's life. This included, among other things: (1) making false accusations against her in applications for CHROs; (2) illegally hacking into Ms. Miranda's private Facebook direct messages in violation of 18 USC § 2511, 18 USC § 1030, and California Penal Code § 502; (3) abuse of process; (4) intentional infliction of emotional distress; and (5) defamation.

II. PARTIES, JURISDICTION, AND VENUE

8. Ms. Miranda is an individual residing in Orange County California.

9. Steven Selinsky is an individual residing in Orange County California

10. David Galan is an individual residing in Orange County California.

11. Stacey Galan is an individual residing in Orange County California.

12. Angel Anderson is an individual residing in Orange County California.

13. Upon information and belief, Collette Ithaca is an individual residing in New York State.

14. Luxinvia, Inc. dba Monster Marketing is a California corporation

1 located in Orange County.

2
3 15. Fons Diviciarum LLC dba Monster Marketing, Google Ascent, and
4 Top Pro SEO is a California limited liability company located in Orange County.

5
6 16. Ms. Miranda is unaware of the true names and capacities of Defendants
7 sued herein as DOES 1-10, inclusive, and therefore sues said DOE Defendants by
8 such fictitious names. The named defendants, and DOES 1-10 are collectively
9 referred to herein as “Defendants.” Ms. Miranda will amend this Complaint to
10 insert the true names and capacities of such fictitiously named DOE Defendants
11 when they have been ascertained. Ms. Miranda is informed and believes, and
12 thereon alleges, that each of the Defendants designated herein as a DOE is in some
13 manner legally responsible for the events and happenings referred to and alleged
14 herein and by reason thereof has proximately caused the damages and injuries to
15 Ms. Miranda alleged in this Complaint.

16
17 17. Ms. Miranda is informed and believes, and thereon alleges, that at all
18 times material hereto, each Defendant named herein, including those fictitiously
19 designated as DOES 1-10, was acting as the agent, servant, or employee of each
20 other Defendant, and in doing the acts hereinafter alleged, was acting within the
21 course and scope of said agency, employment, or representation, with the
22 knowledge, consent, authorization, and approval of the other Defendants. To the
23 extent any of the actions of said agents, servants, or employees were not expressly
24 authorized, said actions were ratified and approved by the other Defendants.

25
26 18. Pursuant to 28 United States Code section 1331, this Court has
27 jurisdiction over the subject matter of this action as the case arises out of
28 Defendants’ violation of 18 United States Code section 2511 and 18 United States

1 Code section 1030.

2
3 19. Pursuant to 28 Unites States Code section 1367(a), this Court has
4 supplemental jurisdiction over the California State law claims as they are so related
5 to claims in the action within such original jurisdiction that they form part of the
6 same case or controversy under Article III of the United States Constitution.

7
8 20. Pursuant to 28 United States Code section 1391(b)(2), venue is proper
9 in the United States District Court for the Central District of California as a
10 substantial part of the events or omissions giving rise to the claim occurred in this
11 district.

12 13 **III. GENERAL ALLEGATIONS**

14
15 21. On about October 12, 2020, Ms. Miranda was hired by Monster
16 Marketing and it's owners Steven Selinsky, David Galan, and Stacey Galan.
17 Defendant Angel Anderson work for Monster Marking and are the agents of
18 Monster Marketing, Steven Selinsky, David Galan, and Stacey Galan.

19
20 22. At the time, Ms. Miranda was living in a sober-living home. Upon
21 information and belief, the Monster-Marketing Defendants had a habit of practice of
22 hiring employees fresh out of rehab because they knew these people (1) were
23 vulnerable, (2) would feel they owed the Monster-Marketing Defendants unjustified
24 gratitude such that the Monster-Marketing Defendants could more readily control
25 them, and (3) would be less likely to stand up to for their rights when faced with
26 harassment and discrimination by the Monster-Marketing Defendants.

23. On May 13, 2021, Monster Marketing issued the one and only Disciplinary Action Notice to Ms. Miranda, contained in her employee file, claiming that “employee has consistently been late to work.” It goes on to say, “a failure to bring performance up to an acceptable level and/or additional policy violations may result in further disciplinary action up to and including termination of employment.” This is the only Disciplinary Action Notice in Ms. Miranda’s employee file.

24. Ms. Miranda was never given any kind of employee handbook that stated what was considered a “policy violation.” Her employee file does not contain any acknowledgement of receipt of any kind of employee handbook.

25. On August 2, 2021, Ms. Miranda was promoted to an “Closer” at Google Ascent (one of the many dbas under which the corporate defendants operated), stating: “You will be reporting directly to Stacey Galan. We believe your skills and experience are an excellent asset to our company and hope you are with us a long time.” The promotion letter placed an unenforceable two-weeks’ notice requirement upon Ms. Miranda, despite the fact that it explicitly states that her employment is “At-Will.”

IV. THE MONSTER-MARKETING DEFENDANTS’ TERMINATION OF MS. MIRANDA

26. On February 2, 2022, Ms. Miranda was abruptly and without any forewarning terminated.

27. She was not given any reason for her termination. Her employee file contains no document stating the reason for her termination.

1 28. Shortly after being terminated, Ms. Miranda changed her Facebook,
2 Chrome, Google, Instagram, and Samsung passwords at least three times.

3
4 **V. THE MONSTER-MARKETING DEFENDANTS' CAMPAIGN TO**
5 **RUIN MS. MIRANDA'S LIFE**

6
7 29. After the Monster-Marketing Defendants terminated Ms. Miranda they
8 set out to ruin Ms. Miranda's life.

9
10 **VI. THE MONSTER-MARKETING DEFENDANTS' AND DEFENDANT**
11 **ITHACA MADE FALSE STATEMENTS TO MS. MIRANDA AND**
12 **OTHERS THAT MS. MIRANDA HAD "MURDERED" A FORMER**
13 **EMPLOYEE, WITH THE INTENT OF BREAKING AN ALREADY**
14 **VULNERABLE WOMAN AND BRING RIDICULE UPON MS.**
15 **MIRANDA**

16
17 30. February 21, 2022, around 4:15 a.m. in the morning, Defendant Ithaca
18 and Defendant Anderson jointly called Ms. Miranda to inform her that she had
19 "murdered" Anthony Stiehl. Defendant Anderson is Anthony's girlfriend.
20 Defendant Ithaca is Anthony's mother.

21
22 31. During that call, they falsely accuse Ms. Miranda of giving Anthony
23 drugs on which he overdosed, despite the fact Ms. Miranda not seen him in three
24 weeks since she was terminated.

25
26 32. Defendant Ithaca and Defendant Angel Anderson then left a voicemail
27 on Ms. Miranda's phone in which she said:
28

Defendant Ithaca: “Hi this is Collette, Anthony’s mother.” Defendant Anderson: “Hope you have fun going to jail Rey. See how fun that is for you. You’re a little fucking bitch and you are not shit Rey. You talk all that shit. You’re a little drug addicted girl. You literally are not shit. You can’t even answer the phone. Fucking tweaker cunt. Can’t wait to see you be someone’s bitch you little bitch. Have fun sitting in jail. Can’t wait to see you be someone’s bitch you little bitch. Oh what’s up Rey you don’t want to talk now. Is there a reason you can’t answer your phone. You’re a big bad bitch behind the keyboard. I’m confused, why don’t you wanna talk now. You sure had a lot of shit to say about me earlier. Why don’t you answer your phone and answer your phone like a grown woman. Hold are you? 35? Answer the phone you DUMB BITCH”

VII. THE MONSTER-MARKETING DEFENDANTS’ APPLICATIONS FOR CIVIL HARASSMENT RESTRAINING ORDERS BASED ON FALSE AND MISLEADING INFORMATION

33. On February 23, 2022, defendant, Steven Selinsky, filed an application for a temporary harassment restraining order (“TCRHO”), in which falsely accuses Ms. Miranda having guns and knives and threatening him with physical harm.

34. On March 2, 2022, defendant, David Galan (on behalf of himself and defendant, Stacey Galan) filed an application for a TCRHO, in which falsely accuses Ms. Miranda having guns and knives and threatening him with physical harm.

35. On March 16, 2022, an initial hearing was held on Defendants’, Steven Selinsky, David Galan, and Stacey Galan applications. Ms. Miranda requested a continuance, which she had as a matter of right. The Judge maintained the TCRHOs until the continued hearing on the TCRHOs could be held.

VIII. THE MONSTER-MARKETING DEFENDANTS’ CAUSING MS. MIRANDA’S PROBATION TO BE ALLEGEDLY VIOLATED DUE TO ALLEGED VIOLATIONS OF THE CIVIL HARASSMENT RESTRAINING ORDERS

36. In March 24, 2022, when Ms. Miranda appeared for her regular probation appointment, she was arrested because, on information and belief, the Monster Marketing Defendants informed Ms. Miranda’s probation and/or other Orange County authorities that Ms. Miranda had violated the TCRHO for posting to a social media platform “Discord” communications directed at Steven Selinsky, David Galan, and/or Stacey Galan.

37. On that day, March 24, 2022, Ms. Miranda was informed that she was being arrested due to the Monster-Marketing Defendants alleging that she had violated the TCRHO. She would not be released until March 28.

38. During that time, Defendant Stacey Galan celebrated her birthday and celebrated with a doctored-and-unflattering-picture of Ms. Miranda behind bars.

39. Written on the picture were the words “Happy Birthday Stacey.” (*See* Exhibit “A.”) There is legitimate joy—and certainly a big happy smile—on Defendant Stacey Galan’s face at about the fact that she had severely harmed Ms. Miranda.

40. On March 28, 2022, the court held the hearing on the alleged probation violation and released her on her own recognizance and referred her to Orange County’s Drug-Court-Diversion program (“Drug Court”).

1 **IX. THE MONSTER-MARKETING DEFENDANTS' INTERFERENCE**
 2 **IN MS. MIRANDA'S ACCEPTANCE INTO THE DRUG-COURT**
 3 **DIVERSION PROGRAM**
 4

5 41. On April 2, 2022, Ms. Miranda appeared for an initial evaluation for
 6 Drug Court, to determine whether Ms. Miranda liked Drug Court and would want to
 7 be a part of it.
 8

9 42. On April 17, 2022, Ms. Miranda appeared for a determination of her
 10 admission to Drug Court. At that time she was informed that the Monster-
 11 Marketing Defendants had alleged that the Monster Marketing Defendants informed
 12 Ms. Miranda's probation officer and/or other Orange County authorities that the
 13 Monster Marketing Defendants were alleging that Ms. Miranda had further violated
 14 the TCRHO as follows:
 15

16 (1) April 11, 2020, Ms. Miranda's attorney sending
 17 a settlement email to Defendants, Steven Selinsky.
 18 David Galan. (See Exhibit "B.") This email is a
 19 privileged communication under California Civil
 20 Code section 47(b), and cannot, as a matter of law,
 21 form the basis of an alleged violation of an alleged
 22 violation of California Code of Civil Procedure
 23 section 527.6 (the TCHROs statute);
 24

25 (2) Ms. Miranda sending a single private Facebook
 26 message to a Monster Marketing employee (not
 27 one of the petitioner for the TCHROs) stating only
 28 "Brandon[;]" and

(3) Ms. Miranda contacting with former Monster
 Marketing customers through her private Facebook
 messages, about which the Monster-Marketing
 Defendants knew the content of Ms. Miranda's
 private messages. These could only have been

1 obtained through the repeated (at least Four
2 documented occasions), illegal, and intentional
3 interception of Ms. Miranda's private electronic
4 communications in violation of the Electronic
5 Communications Privacy Act and the Stored Wire
6 Electronic Communications Act are commonly
7 referred together as the Electronic
8 Communications Privacy Act ("ECPA") of 1986,
9 18 United States Code section 2511(1)(a).

10 The Monster-Marketing Defendants' subsequent
11 disclosure of these illegal and intentionally
12 intercepted communications knowing or having
13 reason to know that the information was obtained
14 through the illegal interception of an electronic
15 communication, is also an independent violation of
16 18 United States Code section 2511(1)(c).

17 Both of these acts shall be criminally punished by
18 way of a mandatory fine of \$500 and
19 "imprison[ment of] not more than five years, or
20 both." 18 USC § 2511(4)(a).

21 43. Based on these disclosures by the Monster Marketing Defendants, the
22 Judge did not accept Ms. Miranda into Drug Court at that time. Instead he
23 continued the hearing on her eligibility to April 27, 2022.

24 ///

25 ///

26 ///

1 **X. MS. MIRANDA MAY BRING THIS SUIT FOR STATUTORY**
 2 **DAMAGES, ACTUAL DAMAGES, PUNITIVE DAMAGES, AND**
 3 **ATTORNEYS' FEES AND COSTS DUE TO THE MONSTER-**
 4 **MARKETING DEFENDANTS' ILLEGAL HACKING OF MS.**
 5 **MIRANDA'S PRIVATE FACEBOOK MESSAGES**

7 **A. The Monster-Marketing Defendants Violation of 18 USC § 2511**

9 44. The Monster Marketing Defendants' illegal interception of Ms.
 10 Miranda's private electronic communications entitles Ms. Miranda in this civil
 11 action to: "(1) such preliminary and other equitable or declaratory relief as may be
 12 appropriate; (2) damages under subsection (c) and punitive damages in appropriate
 13 cases; and (3) a reasonable attorney's fee and other litigation costs reasonably
 14 incurred." 18 USC 2520(b). Statutory damages under 2520(c)(2) for the Monster
 15 Marketing Defendants' repeated violation of 18 United States Code section 2511(1)
 16 and (c) are "whichever is the greater of \$100 a day for each day of violation or
 17 \$10,000."

19 45. Upon information and belief the Monster Marketing Defendants
 20 disclosed this illegally obtained information—based in ill will—for the ulterior
 21 motive and illegal objective of forcing Ms. Miranda to prison and ruining this young
 22 woman's life, which constitutes abuse of process. *See, e.g., Brown v. Kennard*, 94
 23 Cal. App. 4th 40, 44, 113 Cal. Rptr. 2d 891, 894 (2001).

25 **B. The Monster-Marketing Defendants Violation of 18 USC § 1030**

27 46. The Monster Marketing Defendants did not just access Ms. Miranda's
 28 private Facebook messages, they deleted some (the exact number of which is

1 unascertainable at this time due to the Monster Marketing Defendants’ illegal
2 deletion).

3
4 47. As such, the Monster Marketing Defendants’ did not just violate the
5 ECPA. They violated 18 United States Code section 1030, dealing with “Fraud and
6 related activity in connection with computers.” The Monster Marketing Defendants
7 have violated Subsection (a)(2)(C) by: (1) intentionally accessing Ms. Miranda’s
8 computer by exceeding authorized access and thereby obtaining information, to
9 which they were not entitled, from Ms. Miranda’s computer; and (2) altering
10 information in Ms. Miranda’s computer that the Monster Marketing Defendants
11 were not entitled to alter. 18 USC 1030(e)(6). All of this entitles Ms. Miranda to
12 maintain a civil action against the Monster Marketing Defendants under 18 United
13 States Code section 1030(g).

14
15 **C. The Monster Marketing Defendants Have Violated California**
16 **Penal Code Section 502**

17
18 48. In addition to violating these Federal laws, the Monster Marketing
19 Defendants violated California Penal Code section 502 by knowingly and without
20 permission:

21
22 (1) deleting, destroying, or otherwise using any data, computer, computer
23 system, or computer network in order to either (A) devise or execute any
24 scheme or artifice to defraud, deceive, or extort, or (B) wrongfully control or
25 obtain money, property, or data (CAL. PENAL CODE § (c)(1));

26
27 (2) making use of any data from a computer, computer system, or computer
28 network, or taking or copying any supporting documentation, whether existing

1 or residing internal or external to a computer, computer system, or computer
2 network (CAL. PENAL CODE § (c)(2));

3
4 **(3)** altering, damaging, deleting, or destroying any data, computer software, or
5 computer programs which reside or exist internal or external to a computer,
6 computer system, or computer network (Cal. Penal Code § (c)(4));

7
8 **(4)** providing or assisting in providing a means of accessing a computer,
9 computer system, or computer network in violation of this section (Cal. Penal
10 Code § (c)(4)); and

11
12 **(5)** accessing or causing to be accessed any computer, computer system, or
13 computer network (Cal. Penal Code § (c)(7)).

14
15 49. These violations of California Penal Code section 502 entitle Ms.
16 Miranda, in addition to any other civil remedy available, to bring a civil action
17 against the Monster Marketing Defendants for compensatory damages and
18 injunctive relief or other equitable relief.” CAL. PENAL CODE § 502(e)(1).

19
20 **FIRST CAUSE OF ACTION**

21 **(Violation of 18 USC § 2511)**

22 **(Against the Monster Marketing Defendants)**

23 50. Ms. Miranda incorporates paragraphs 1 through 49 as if set forth fully
24 herein.

25
26 51. 18 United States Civil Code section 2511 states:

1 A person who “intentionally intercepts, endeavors to
2 intercept, or procures any other person to intercept or
3 endeavor to intercept, any wire, oral, or electronic
4 communication; [or] intentionally discloses, or endeavors
5 to disclose, to any other person the contents of any wire,
6 oral, or electronic communication, knowing or having
7 reason to know that the information was obtained
8 through the interception of a wire, oral, or electronic
9 communication . . . shall be fined under this title or
10 imprisoned not more than five years[.]”

11
12 18 U.S.C. §§ 2511(1)(a) & (4)(a).

13
14 52. 18 United States Civil Code section 2520 states:

15
16 Except as provided in section 2511(2)(a)(ii), any person
17 whose wire, oral, or electronic communication is
18 intercepted, disclosed, or intentionally used in violation
19 of this chapter may in a civil action recover from the
20 person or entity, other than the United States, which
21 engaged in that violation such relief as may be
22 appropriate.

23
24 18 U.S.C. § 2520(a). Which shall include: “(1) such preliminary and other
25 equitable or declaratory relief as may be appropriate; (2) damages under subsection
26 (c) and punitive damages in appropriate cases; and (3) a reasonable attorney’s fee
27 and other litigation costs reasonably incurred.” 18 U.S.C. § 2520(b). Moreover:
28

1 In any other action under this section, the court may
2 assess as damages whichever is the greater of--

3
4 (A) the sum of the actual damages suffered by the
5 plaintiff and any profits made by the violator as a result
6 of the violation; or

7
8 (B) statutory damages of whichever is the greater of \$100
9 a day for each day of violation or \$10,000.

10
11 18 U.S.C. § 2520(c)(2).

12
13 53. As set forth above, Defendants have (1) hacked into Ms. Miranda's
14 private Facebook electronic communications and/or procured others to do so, (2)
15 intentionally disclosed the content of Ms. Miranda's private Facebook electronic
16 communications knowing or having reason to know that the information was
17 obtained through the illegal interception of electronic communication, and (3)
18 procured others to do the same.

19
20 54. As a direct and proximate result of Defendants' violation, Ms. Miranda
21 has sustained and will incur further damages including, but not limited to, statutory
22 damages, and is entitled to recover her attorneys' fees and other litigation costs
23 reasonably incurred in this suit.

24
25 55. The aforementioned wrongful conduct was intentional, malicious, and
26 in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and
27 unjust hardship in conscious disregard of her rights, so as to justify an award of
28 exemplary and punitive damages according to proof at trial.

SECOND CAUSE OF ACTION

(Violation of 18 USC § 1030)

(Against the Monster Marketing Defendants)

56. Ms. Miranda incorporates paragraphs 1 through 55 as if set forth fully herein.

57. 18 United States Civil Code section 1030 states:

(a) Whoever--

(1) having knowingly accessed a computer without authorization or exceeding authorized access, and by means of such conduct having obtained information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph y. of section 11 of the Atomic Energy Act of 1954, with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign nation willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it;

1 (2) intentionally accesses a computer without
2 authorization or exceeds authorized access, and thereby
3 obtains--

4
5 (A) information contained in a financial record of a
6 financial institution, or of a card issuer as defined
7 in section 1602(n) of title 15, or contained in a file
8 of a consumer reporting agency on a consumer, as
9 such terms are defined in the Fair Credit Reporting
10 Act (15 U.S.C. 1681 et seq.);

11
12 (B) information from any department or agency of
13 the United States; or

14
15 (C) information from any protected computer;

16
17 shall be punished as provided in subsection (c) of this
18 section.

19
20 18 USC § 1030(a).

21
22 58. As set forth above, Defendants have intentionally accessed and altered
23 Ms. Miranda's private Facebook messages without authorization.

24
25 59. As a direct and proximate result of Defendants' violation, Ms. Miranda
26 has sustained and will incur further damages according to proof at trial.

1 60. The aforementioned wrongful conduct was intentional, malicious, and
2 in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and
3 unjust hardship in conscious disregard of her rights, so as to justify an award of
4 exemplary and punitive damages according to proof at trial.

5
6 **THIRD CAUSE OF ACTION**

7 **(Violation of California Penal Code § 502)**

8 **(Against the Monster Marketing Defendants)**

9 61. Ms. Miranda incorporates paragraphs 1 through 60 as if set forth fully
10 herein.

11
12 62. As alleged above, Defendants has knowingly accessed and deleted Ms.
13 Miranda's private Facebook messages in violation of Section 502(c)(1), (2), (4), (6),
14 and (7) of the California Penal Code.

15
16 63. As a direct and proximate result of Defendants' violation, Ms. Miranda
17 has sustained and will incur further damages according to proof at trial.

18
19 64. The aforementioned wrongful conduct was intentional, malicious, and
20 in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and
21 unjust hardship in conscious disregard of its rights, so as to justify an award of
22 exemplary and punitive damages according to proof at trial.

23
24 **FOURTH CAUSE OF ACTION**

25 **(Abuse of Process)**

26 **(Against Defendants, Steven Selinsky, David Galan, and Stacy Galan)**

27 65. Ms. Miranda incorporates paragraphs 1 through 64 as if set forth fully
28 herein.

66. As set forth above, upon information and belief, Defendants filed the TCHRO Applications not to seek redress for legitimate injuries or for legitimate fear for their safety, but for improper, ulterior reasons. Upon information and belief, these ulterior reasons included applying a full-court-pressure campaign to Ms. Miranda to dissuade her from bringing legitimate claims against Monster Marketing. And with the specific intent to send Ms. Miranda to jail and ruining her lie for nothing other than spiteful, hateful, and malicious reasons.

67. Defendants thus entertained an ulterior motive in using the courts to harm Ms. Miranda by applying for TCHRO restraining orders and making every effort to see to it that she was sent to jail.

68. Defendants committed this willful act in a wrongful manner.

69. As a direct and proximate result of Defendants' actions, Ms. Miranda has sustained and will incur further damages according to proof at trial.

70. The aforementioned wrongful conduct was intentional, malicious, and in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and unjust hardship in conscious disregard of its rights, so as to justify an award of exemplary and punitive damages according to proof at trial.

FIFTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

(Against The Monster Marketing Defendants and Defendant Collette Ithaca)

71. Ms. Miranda incorporates paragraphs 1 through 70 as if set forth fully herein.

74. The aforementioned wrongful conduct was intentional, malicious, and in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and unjust hardship in conscious disregard of its rights, so as to justify an award of exemplary and punitive damages according to proof at trial.

(Against the Monster Marketing Defendants)

77. Defendants made the false and derogatory statements alleged above, including implications of knowledge of facts leading to defamatory conclusions, about Ms. Miranda.

82. The aforementioned wrongful conduct was intentional, malicious, and in bad faith and has subjected and will continue to subject Ms. Miranda to cruel and unjust hardship in conscious disregard of its rights, so as to justify an award of exemplary and punitive damages according to proof at trial.

2. For statutory damages in a sum according to proof;

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3. For compensatory damages in a sum according to proof;
4. For punitive and exemplary and punitive damages in a sum according to proof;
5. For an award of attorney's fees and litigation costs under 18 USC § 2520(b)(3);
6. For costs of suit incurred in this action; and
7. For such other and further relief as the Court deems just and proper.

DATED: April 25, 2022

PAYNE & FEARS LLP
Attorneys at Law

By: /s/ David A. Grant
DAVID A. GRANT

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